

PAG. 01

COMMONWEALTH OF PUERTO RICO
COURT OF FIRST INSTANCE
SAN JUAN PART

ABRAMS, DIAZ, JEANNETTE
PLAINTIFF
VS.

CASE: K AC2005-5021
ROOM: 0905

ELA DE PR
DEFENDANT

CIVIL ACTION
DECLARATORY JUDGMENT
CAUSE/CRIME

ATTY. GONZALEZ MORALES YVONNE
PO BOX 9021828
SAN JUAN, PR 00902-1828

NOTIFICATION OF JUDGMENT

THE UNDERSIGNED CLERK NOTIFIES YOU THAT THIS COURT HAS
ISSUED JUDGMENT IN THE CAPTIONED CASE ON THE DATE OF JUNE 07, 2011,
WHICH HAS BEEN DULY REGISTERED AND FILED IN THE RECORDS OF THIS
CASE, WHERE YOU MAY FIND OUT THE TERMS OF THE SAME IN DETAIL.

AND, SINCE YOU ARE OR REPRESENT THE PARTY PREJUDICED BY THE
JUDGMENT, OF WHICH A REQUEST FOR APPEAL MAY BE FILED, I ADDRESS
THIS NOTIFICATION TO YOU, HAVING FILED A COPY OF THE SAME IN THE
RECORDS OF THIS CASE ON THE DATE OF JUNE 10, 2011.

DIAZ LUGO MANUEL
PO BOX 9020192
SAN JUAN, PR 00902-0192

ARRAIZA GONZALEZ CARLA
PO BOX 9023525
SAN JUAN, PR 00902-3525

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SAN JUAN, PUERTO RICO, JUNE 10, 2011.

ATTY. REBECCA RIVERA TORRES
CLERK
BY: CARLA J. RIVERA CLIMENT s/illegible
DEPUTY CLERK

O.A.T. 704-NOTIFICATION OF JUDGMENT
TELETRIBUNAL: (787) 759-1888/ISLAND, TOLL FREE (787) 1-877-759-1888

209
239

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correct translation from its original.
Aída Torres, U.S.C.C.I.
Tel. 787-225-8218
aidatranslation@gmail.com

**COMMONWEALTH OF PUERTO RICO
COURT OF FIRST INSTANCE
SUPERIOR PART OF SAN JUAN**

JEANNETE ABRAMS DIAZ	. CIVIL NO: K C2005-5021
Plaintiff	. ROOM: 905
	.
vs.	.
	.
COMMONWEALTH OF PR AND	. RE: DECLARATORY JUDGMENT
OTHERS	.
Defendant	.
.....	

PARTIAL JUDGMENT

At the hearing of June 6, 2011 of the captioned case, there appeared the parties, they conserved and informed they had reached a settlement with regard to the following plaintiffs:

List of names of plaintiffs which includes
1076 names is included here.

The Court issues its approval and issues Partial Judgment by Stipulation. Since there is no reason to postpone that this judgment be issued up until the final resolution of the trial, the Clerk of the Court is expressly ordered to register the same.

RECORD AND NOTIFY.

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correct translation from its original.
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aidatranslation@gmail.com

In San Juan, Puerto Rico, June 7, 2011.

s/Georgina Candal (illegible)
GEORGINA CANDAL SEGUROLA
SUPERIOR COURT JUDGE

Illegible seal of the
Court appears here
signed by the Deputy Clerk

PAG. 01

COMMONWEALTH OF PUERTO RICO
COURT OF FIRST INSTANCE
SAN JUAN PART

ABRAMS, DIAZ, JEANNETTE
PLAINTIFF
VS.

CASE: K AC2005-5021
ROOM: 0905

ELA DE PR

DEFENDANT

CIVIL ACTION
DECLARATORY JUDGMENT
CAUSE/CRIME

ATTY. GONZALEZ MORALES YVONNE
PO BOX 9021828
SAN JUAN, PR 00902-1828

NOTIFICATION OF PARTIAL JUDGMENT

THE UNDERSIGNED CLERK NOTIFIES YOU THAT THIS COURT HAS ISSUED JUDGMENT IN THE CAPTIONED CASE ON THE DATE OF DECEMBER 05, 2011, WHICH HAS BEEN DULY REGISTERED AND FILED IN THE RECORDS OF THIS CASE, WHERE YOU MAY FIND OUT THE TERMS OF THE SAME IN DETAIL.

AND, SINCE YOU ARE OR REPRESENT THE PARTY PREJUDICED BY THE JUDGMENT, OF WHICH A REQUEST FOR APPEAL MAY BE FILED, I ADDRESS THIS NOTIFICATION TO YOU, HAVING FILED A COPY OF THE SAME IN THE RECORDS OF THIS CASE ON THE DATE OF DECEMBER 7, 2011.

DIAZ LUGO MANUEL
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SAN JUAN, PR 00902-0192

ARRAIZA GONZALEZ CARLA
PO BOX 9023525
SAN JUAN, PR 00902-3525

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SAN JUAN, PUERTO RICO, DECEMBER 07, 2011.

ATTY. REBECCA RIVERA TORRES
CLERK
BY: JULIA MORALES FLORES s/illegible
DEPUTY CLERK

O.A.T. 704-NOTIFICATION OF JUDGMENT
TELETRIBUNAL: (787) 759-1888/ISLAND, TOLL FREE (787) 1-877-759-1888

Case 17-03283-LTS9 Claim 1790-3 Filed 06/14/18 Desc Mai Document (illegible)
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Commonwealth of
PUERTO RICO
Department of Transportation
and Public Works

RECEIVED BY María (illegible)
DATE 1:36 pm 12/14/1
OFF. OF THE SECRETARY
DEC14'15 1:35PM

Hon. César Miranda Rodriguez
Secretary
Department of Justice
Box 9020192
San Juan, PR 00902-0192

**JEANNETTE ABRAMS DIAZ ET AL V. ELA, DTOP
CIVIL NO. KAC-2005-5021**

Dear Mister Secretary:

The referenced case involves a claim for the payment of the Federal minimum wage which impacts all of the employees of the Department of Transportation and Public Works (DTPW). At present, no payments have been issued to pay the Judgment that was issued in this case, which is estimated in around \$42,153,410.00. Said funds have been requested from the Office of Management and Budget (OMB) on February 5, 2013, February 7, 2014 and November 24, 2014, through the process of Budgetary Petition for fiscal years 2014, 2015 and 2016.

The necessary funds to complete the payment of the judgment pending in this case, have not been assigned by the OMB for the aforementioned fiscal years and the DTPW does not have additional funds to compensate the payment of the same.

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Notwithstanding the above, and pursuant to what is provided in Circular Letter Number 2015-01 of the Department of Justice, I enclose documents related to the referenced case, so that you will provide us your authorization:

- Certification of negative funds issued on December 4, 2014 by Mrs. Enid Valentín Collazo, Director of the Office of Budget and Finance;
- Copy of the budgetary petitions to the OMB for fiscal years 2014, 2015 and 2016;
- Payment plan proposed to comply with the payment of this judgment.
- Judgment issued (several) by the Court of First Instance on June 7, 2011.

If you need additional information you can communicate with Atty. Yasmin M. Santiago Zayas, Legal Advisor, through telephone (787) 722-2929, extensions 2374, 2376.

Cordially,

by: Yasmin M. Santiago Zayas
Eng. Miguel A. Torres Díaz
Secretary

Enclosures

Governmental Center Roberto Sánchez Vilella
Box 41269, San Juan, PR 00940-1269
Tel. (787) 723.1390
Tel. (787) 722.2929 ext 2323-2326
Fax (787) 723.1620
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dtop

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Commonwealth of
PUERTO RICO
Department of Transportation
and Public Works

Certification of Negative Funds

I certify that on February 5, 2013, February 7, 2014 and November 24, 2014, we requested from the Office of Management and Budget (OMB), through the process of Budgetary Petition for Fiscal Years 2014, 2015 and 2016, the necessary funds for the payment of the judgment for the claim of minimum Federal salary in favor of the plaintiff employees in **Civil Case No. KAC 2005-5021 JEANNETTE ABRAMS DÍAZ ET AL V. COMMONWEALTH OF PUERTO RICO AND DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS**. The funds requested through the Budgetary Petition for the current year totaled Forty Two Million One Hundred Fifty Three Thousand Four Hundred Ten Dollars (\$42,153,410) for the payment of the aforementioned judgment (See Attachment A).

Said funds were not considered nor assigned for the aforementioned fiscal years and in view of the fiscal condition of the agency of not having additional funds to compensate the payment of the same, we recommend paying the salaries not perceived from the Fiscal Responsibility Fund under the custody of the OMB.

Pursuant to **Chapter IV, Plsn for Final and Binding Judgments Pending Payment** of Law Number 66 of June 17, 2014, known as the "Special Law for Fiscal and Operational Sustainability of the Government of the Commonwealth of Puerto Rico", stipulates in **Article 28 Applicability and Payment Plans"Clause (e)**, the following:

"If the judgment owed by the State, public corporation or by a municipality is in excess of Twenty Million (20,000,000.00) Dollars, the payment plan that applies to the same will be established as part of the budgetary process following the date in which the

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obligation to pay becomes final and binding, taking into consideration the fiscal situation, which payment plan will never exceed the annual amount of Three Million (3,000,000.00) Dollars."

Nevertheless, in its **Article 29 "Actions against the State, Municipalities and Officials"**, of the referenced Law stipulates also:

The agencies or instrumentalities of the State, public corporations or municipalities, officials or employees, may not be compelled to make any payment with regard to a judgment or payment plan previously authorized, when there do not exist the funds for the same because the legislative assignment destined for said purposes has been exhausted, wherefore there is prohibited the embargo of funds to make effective a ruling issued against the State. The determination of lack of funds to make said payment must be certified by the agency or instrumentality of the State, public corporation or municipality that is involved, and in case of funds that originate from legislative assignments, including from the General Fund, they must be confirmed by the Office of Management and Budget, which determination with regard to this will be conclusive."

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Certification - Civil Case Jeannette Abrams v. DTOP
December 4, 2015
Page 2

"The remedy available when there are no funds for the payment of judgments will be the payment of interest over the amount owed pursuant to what is established in the Rules of Civil Procedure and the applicable special laws."

The amount requested up until June 30, 2016 was revised and the same amounted to \$42,090,612.31; including the salary adjustments for \$1,134,312.17. If the State confers the funds, we recommend a payment plan for a term of fifteen (15) fiscal years that will comprise from the current fiscal year up until June 30, 2030, at the rate of \$3,000,000 per year, except the first payment that will be of \$1,134,312.17 which corresponds to the adjustments in salaries and a last payment for the amount of \$1,956,300.14. I include the payment plan for the concept of Federal minimum up until the expiration of the term of the same. (See Attachment B).

I enclose for the corresponding purposes of reference, analysis and action, copy of the judgment issued in this case (Attachment C).

This Certification is issued, today, **Friday, December 4, 2015**, at the request of the Department of Justice for the corresponding legal purposes.

s/illegible
Enid Valentín Collazo
Director
Office of Management and Budget

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**ABRAMS, DIAZ, JEANNETE
VS.
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS
CIVIL NO. KAC-2005-5021 (905)**

LIST OF PLAINTIFFS INCLUDED IN JUDGMENT ISSUED

Names of 1076 persons included in the original document.

Page 14 of document:

NOTE: THERE ARE 7 EMPLOYEES WHOSE CALCULATIONS ARE PENDING

List of 7 employees included herein.